THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.714 of 2006

Dated:11.01.2007

Between:
Bhupathi Ammakamma

.....
PETITIONER

And

The District Collector,
Krishna District at
Machalipatnam and another.

.....RESPONDENTS

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO.714 of 2007

ORDER:

The matter is coming up for admission.

Learned Government Pleader for Land Acquisition take notice for the respondents.

The writ petition is filed for a writ of Mandamus declaring the action of the respondents in dispensing with the enquiry under Section 5-A of the Land Acquisition Act, 1894 (for short 'the Act') and proposing to take possession of the petitioner's lands admeasuring Ac.1-10 cents covering Sy.No.2/5B and 3/2B of Ramakotipuram Village, Avanigadda Mandal, Krishna District as illegal, arbitrary, violative of Article 300-A of the Constitution of India and consequently, direct the respondents to conduct enquiry under Section 5-A of the Act by keeping the further proceedings in pursuance of Form 5A notice published in Telugu News Paper in abeyance in the interest of justice and to pass such suitable orders.

Several factual details are narrated in the affidavit, filed in support of the writ petition in paras 2 to 8. The main grievance of the writ petitioner is that in the facts and circumstances of the case dispensing with the enquiry under Section 5-A of the Act and proposing to take possession of his lands, which is the subject matter of the writ petition, is bad in law.

In view of the facts and circumstances of the case, this Court is of the considered opinion that the writ petition be disposed of directing the respondents to conduct the enquiry under Section 5-A of the Act and take appropriate decision in this regard, in the light of the objections, which may be raised by the writ petitioner. It is needless to say that further steps, if any, shall be taken only after completion of the enquiry under Section 5-A of the Act in accordance with law.

The writ petition is disposed of accordingly. There shall be no order as to costs.

11.01.2007

Note:
Issue operative portion
of the order by wire
at party's costs.
B/o
dr